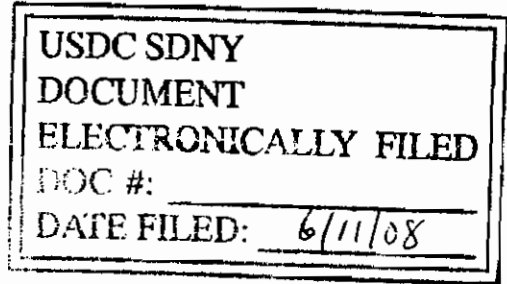


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
BRUCE LOWERY,

Plaintiff,

-v-

POLICE OFFICER PETRUSINO, POLICE  
OFFICER TASSONE, POLICE OFFICER JOHN  
DOE, CITY OF WHITE PLAINS,

Defendants.  
-----X

07 Civ. 6325 (DLC)

ORDER

DENISE COTE, District Judge:

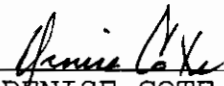
By an Order dated December 12, 2007, the plaintiff was directed to communicate in writing with this Court's Pro Se Office regarding why the plaintiff had failed to serve the summons and complaint in this action within the 120 days prescribed by Rule 4(m) of the Federal Rules of Civil Procedure, or, if the defendants had been served, to indicate when and in what manner such service had been made. The Order provided that if the Court's Pro Se Office did not receive any communication from the plaintiff on or before by January 11, 2007, showing good cause why such service was not made within the 120 days, the Court would dismiss the case. This Court's Pro Se Office not having received any communication from the plaintiff, an Order dated February 12, 2008, dismissed the plaintiff's claims in this action.

By letter dated May 25, 2008, plaintiff requests that his case be reopened. The letter describes a conversation that took place between him, the Pro Se Office in White Plains, and the Pro Se Office in Manhattan indicating that there had been some confusion regarding the issuance of the summons in this matter. Having conferred with this Court's Pro Se Office and having been informed that the Pro Se Office will correspond with the plaintiff in order to clarify the substance of the conversation reported in the May 25 letter, it is hereby

ORDERED that plaintiff's request reopen this action is denied without prejudice to a renewed application following the receipt of further communication from the Pro Se Office.

SO ORDERED:

Dated: New York, New York  
June 11, 2008

  
\_\_\_\_\_  
DENISE COTE  
United States District Judge

**COPIES SENT TO:**

Bruce Lowery  
c/o Morton Lembreck (Sanders Morris  
Harris)  
527 Madison Avenue  
New York, NY 10022